



AUBURN OFFICE

ANDREW CUDDY
MANAGING ATTORNEY
ACUDDY@CUDDYLAWFIRM.COM
DIRECT DIAL 315-370-2404

KEVIN MENDILLO
ASSOCIATE ATTORNEY
KMENDILLO@CUDDYLAWFIRM.COM
DIRECT DIAL 315-370-2408

June 9, 2023

VIA ECF

Hon. Paul G. Gardephe
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Re: S.W. v. New York City Dep't of Educ.*, 23-cv-020 (PGG)(SDA)

Dear Judge Gardephe:

I am the attorney for Plaintiff in the above-referenced action. Pursuant to this action, Plaintiff seeks attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*, as well as for this action. As conveyed to the Court by joint status letter dated May 5, 2023, the parties have resolved all claims relating to implementation of the relief ordered in the impartial hearing officer's findings of fact and decision (ECF No. 12).

The parties submit this joint letter and the attached proposed Case Management Plan and Scheduling Order, pursuant to Section VII(B) of the Court's Individuals of Practice. At this time, the Court has scheduled an initial conference in this matter on June 15, 2023, at 11:00 am. Presently, the parties are actively attempting to resolve the attorney fee claim. To that extent, Plaintiff's counsel has provided Defendant's counsel with the billing records for both the administrative and federal proceedings. Defendant is in the process of obtaining settlement authority from the comptroller in order to present a settlement offer to Plaintiff's counsel.

At this time, both parties agree that the initial conference would be counterproductive to the party's settlement negotiations, as it would increase the attorneys' fees Plaintiff seeks as part of this action. Accordingly, the parties jointly request that the initial conference scheduled for June 15, 2023, be adjourned by a period of 30 days, and rescheduled on a date agreeable to the Court. This is the third request for an adjournment of the initial conference. The additional time will allow parties to continue settlement negotiations without needlessly involving the Court. The parties are hopeful that the additional time will allow the matter to be resolved in its entirety, thereby obviating the Court's involvement altogether.

Thank you for your consideration.

Respectfully submitted,

s/ Kevin M. Mendillo

Kevin M. Mendillo

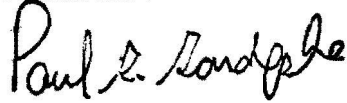
Attorney for Plaintiffs

cc: Bryn M. Ritchie, Esq.
Attorney for Defendant

MEMO ENDORSED:

The conference currently scheduled for June 15, 2023, is
adjourned to **July 20, 2023, at 10:45 a.m.**

SO ORDERED.



Paul G. Gardephe
United States District Judge

Dated: June 13, 2023